

REMARKS

Claims 1, 4-18 and 20-35 are pending in this application. By this Amendment, the specification is amended, claims 1 and 7 are amended and claims 2, 3 and 19 are canceled. No new matter is added.

The courtesies extended to Applicant's representative by Examiner Sells at the interview held January 6, 2004, are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the Remarks below and constitute Applicant's record of the interview. Specifically, Applicant's appreciate the Examiner's indication that if the features of claim 3 were incorporated into claim 1, and if the features of claim 19 were incorporated into claim 7, all of claims 1, 4-18 and 20-35 would likely be patentable over the cited references.

I. Specification Objection

The specification is objected to for failure to state the cross-reference serial numbers in paragraph 1. By this Amendment, the specification is amended to include the appropriate cross-reference serial numbers. Reconsideration and withdrawal of the objection are respectfully requested.

II. §102 Rejections

Claims 1, 2, 4, 7, 8, 10-12 and 18 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,190,608 to Darcy et al (Darcy). Applicant respectfully traverses the rejection.

A. Claims 1, 2 and 4

By this Amendment, independent claim 1 is amended to incorporate the features of dependent claim 3, which was not rejected under §102(b) over Darcy. Claim 1 now recites the feature: "and applying pressure by exerting a compressive pressure of between about 70 lbs/in² and about 770 lbs/in on the film and seam." As agreed to in the personal interview, although Darcy generally discloses the use of a heat and pressure bar, Darcy does not teach

"exerting a compressive pressure of between about 70 lbs/in² and about 770 lbs/in on the film and seam," as required by claim 1. Thus, Darcy does not teach every feature of claim 1.

Claim 4 depends from claim 1, and thus includes all of its limitations. Accordingly, Darcy does not teach every feature of the dependent claim for at least the same reason as claim 1.

For at least the reasons discussed above, Darcy does not anticipate claims 1 and 4. Reconsideration and withdrawal of the rejection of these claims are respectfully requested.

B. Claims 7, 8, 10-12 and 18

By this Amendment, independent claim 7 is amended to incorporate the features of dependent claim 19, which was not rejected under §102(b) over Darcy. Claim 7 now recites: "wherein applying pressure and heat includes providing a heated pressure element, heating the heated pressure element to a temperature sufficient to raise a temperature of the thermoplastic layer to a temperature falling within a range of from about 20°C to about 70°C above a glass transition temperature of at least one of an imaging layer of the photoreceptor belt and the polymer of the strip." As agreed to in the interview, although Darcy generally discloses using a heat and pressure bar, Darcy does not teach "to raise a temperature of the thermoplastic layer to a temperature falling within the range of from about 20°C to about 70°C above a glass transition temperature of at least one of an imaging layer of the photoreceptor belt and the polymer of the strip," as required by claim 7. Thus Darcy does not teach every feature of claim 7.

Claims 8, 10-12 and 18 depend from claim 7, and thus include all of its limitations. Accordingly, Darcy does not teach every feature of these dependent claims for at least the same reason as claim 7.

For at least the reasons discussed above, Darcy does not anticipate claims 7, 8, 10-12 and 18. Reconsideration and withdrawal of the rejection of these claims are respectfully requested.

III. §103 Rejections

Claims 3, 5, 6, 9, 13-17 and 19-35 are rejected under 35 U.S.C. §103(a) as being unpatentable over Darcy in view of U.S. Patent No. 6,368,440 to Yu et al (Yu). Applicant respectfully traverses the rejection.

A. Yu Does Not Qualify As Prior Art Under §103

35 U.S.C. §103(c) states: "Subject matter developed by another person which qualifies as prior art only under one or more of subsections (e), (f) and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person."

Yu has a common assignee with the instant application, i.e., Xerox Corporation. Based upon the earlier effective filing date of Yu, Yu constitutes prior art only under §102(e). The instant application was filed on or after November 29, 1999, (i.e., May 30, 2002), and the subject matter of Yu and the claimed invention were, at the time the invention was made, owned or subject to an obligation of assignment to the same assignee. Accordingly, under §103(c) and as agreed to in the interview, Yu does not qualify as prior art under §103. Thus, Yu cannot be combined with Darcy in order to practice the claimed invention.

B. Claims 3, 5 and 6

Claims 1, 3 and Darcy are discussed above. As agreed to in the interview, Darcy does not teach or suggest every feature of claim 1, for at least the reasons discussed above.

Claims 5 and 6 depend from claim 1, and thus include all of its limitations. Accordingly,

Darcy does not teach or suggest every feature of these dependent claims for at least the same reasons as claim 1.

For at least the reasons discussed above, claims 5 and 6 are patentable over Darcy. Reconsideration and withdrawal of the rejection of these claims are respectfully requested.

C. Claims 9, 13-17 and 19-21

Claims 7, 19 and Darcy are discussed above. As agreed to in the interview, Darcy does not teach or suggest every feature of claim 7, for at least the reasons discussed above. Claims 9, 13-17, 20 and 21 depend from claim 7, and thus include all of its limitations. Accordingly, Darcy does not teach or suggest every feature of these dependent claims for at least the same reasons as claim 7.

For at least the reasons discussed above, claims 9, 13-17, 20 and 21 are patentable over Darcy. Reconsideration and withdrawal of the rejection of these claims are respectfully requested.

D. Claims 22-34

Claim 22 recites: "heating a thermal plastic polymer film to a temperature falling in the range of from about 20°C to about 70°C above a glass transition temperature of at least one of a thermal plastic polymer of the thermal plastic polymer film and a polymer of an imaging layer of the flexible imaging member." As agreed to in the interview, although Darcy generally discloses using a heat and pressure bar, Darcy does not teach "heating a thermal plastic polymer film to a temperature falling in the range of from about 20°C to about 70°C above a glass transition temperature of at least one of a thermal plastic polymer of the thermal plastic polymer film and a polymer of an imaging layer of the flexible imaging member," as required by claim 22. Thus, Darcy does not teach every feature of claim 22.

Claims 23-34 depend from claim 22, and thus include all its limitations. Accordingly, Darcy does not teach or suggest every feature of these dependent claims for at least the same reason as claim 22.

For at least the reasons discussed above, claims 22-34 are patentable over Darcy. Reconsideration and withdrawal of the rejection of these claims are respectfully requested.

E. Claim 35

Claim 35 recites: "heating the strip to a temperature of from about 20°C to about 70°C above a glass transition temperature of at least a lower of the thermoplastic polymer material and the top imaging number." As agreed to in the interview, although Darcy generally discloses using a heat and pressure bar, Darcy does not teach or suggest "heating a strip to a temperature of from about 20°C to about 70°C above a glass transition temperature of at least a lower of the thermal plastic polymer materials and a top imaging layer," as required by claim 35. Thus, Darcy does not teach or suggest every feature of claim 35.

For at least the reasons discussed above, claim 35 is patentable over Darcy. Reconsideration and withdrawal of the rejection of this claim are respectfully requested.

IV. Closing

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1, 4-18 and 20-35 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,

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